

*Stevens passed by Senate*

S 15030

## CONGRESSIONAL RECORD — SENATE

November 7, 1985

"the balance in such fund as of the date the unfunded liability is determined.

In making any determination under this subparagraph, the Comptroller General shall use the applicable information contained in the reports filed pursuant to section 9503 of title 31, United States Code, with respect to the Tax Court widows survivors annuity plan established by this section."

(2) in subsection (d) by striking out "3 percent" the second place it appears and inserting in lieu thereof "3.5 percent";

(3) in subsection (h) —

(A) by striking out "subsection (e)" and inserting in lieu thereof "subsection (c)(1)";

(B) by striking out all after the words "equal to" in paragraph (2) and inserting in lieu thereof "the lesser of:

"(A) 10 percent of the average annual salary amount determined in accordance with the provisions of subsection (m), or

"(B) 20 percent of such average annual salary amount, divided by the number of children; or"

(C) by striking out all after the words "equal to" in paragraph (3) and inserting in lieu thereof "the lesser of:

"(A) 20 percent of the average annual salary amount determined in accordance with the provisions of subsection (m); or

"(B) 40 percent of such average annual salary amount, divided by the number of children; and

(D) by inserting "before attaining fifty-five years of age" immediately after "remarriage" in the first sentence in the matter after paragraph (3); and

(4) in subsection (m) —

(A) by striking out "1 1/2 percent" and inserting in lieu thereof "1.5 percent"; and

(B) by striking out the comma and all other matter after "other prior allowable service" where it last appears and inserting in lieu thereof ", except that such annuity shall not exceed an amount equal to 50 percent of such average annual salary, nor be less than an amount equal to 30 percent of such average annual salary, and that any amount determined in accordance with the provisions of this subsection shall be reduced to the extent required by subsection (d) if applicable."

(10)(1) Subsections (a) and (b) of section 1567 of title 11 of the District of Columbia Code are amended by striking out "3 percent" each place it appears and inserting in lieu thereof "3.5 percent";

(2)(A) Subsection (a) of section 1568 of title 11 of the District of Columbia Code is amended by striking out "computing a survivor annuity" and inserting in lieu thereof "and provision of this subchapter which refers to this subsection"

(B) Subsection (c) of section 1568 of title 11 of the District of Columbia Code is amended —

(i) in paragraph (2)(B), by striking out "the lesser of (i) \$2,700 per year divided by the number of such children or (ii) \$900" and inserting in lieu thereof "the lesser of (i) \$8,424 per year divided by the number of such children or (ii) \$2,808";

(ii) in paragraph (3), by striking out "the lesser of (A) \$3,240 per year divided by the number of such children or (B) \$1,080" and inserting in lieu thereof "the lesser of (A) \$10,110 per year divided by the number of such children or (B) \$3,370";

(iii) by inserting before the first sentence of the matter following paragraph (3) the following:

"For the purpose of computing, under this paragraph, the annuity of a child that commences on or after January 1, 1987, the figures \$8,424, \$2,808, \$10,110, and \$3,370 shall be increased by the total percent increases allowed and in force with respect to retire-

ment salaries of judges under section 11-1571(a) of this title on or after such date"; and

(iv) in the first sentence of the matter following paragraph (3) by inserting before the period the following "prior to the attainment of fifty-five years of age";

(C) Subsection (e) of section 1568 of title 11 of the District of Columbia Code is amended to read as follows:

"(e) The annuity of a widow or widower of a judge electing survivor annuity shall be equal to —

"(1) in the case of a judge who dies while in active regular service as a judge, the greater of —

"(A) 60 percent of the retirement salary the judge would have been entitled to receive if the judge had retired on the day before the date of death (without regard to the age requirements prescribed in section 11-1562(b)), or

"(B) 60 percent of the retirement salary the judge would have been entitled to receive if the judge had retired on the day before the date of death with 15 years of service for the purposes of this subchapter (without regard to the age requirements prescribed in section 11-1562(b)),

computed under section 11-1564; and

"(2) in the case of a retired judge, 60 percent of the retirement salary payable to such judge on the day before the date of the judge's death;";

(d) The benefits conferred by section 376 of title 28, United States Code, section 7448 of the Internal Revenue Code of 1954, and section 1568 of title 11 of the District of Columbia Code by reason of the amendments made by this section shall apply only to individuals who first become eligible for annuities under such sections on or after the effective date of this Act, except that —

(1) such annuities shall be computed in accordance with the provisions of such sections as amended by this section, notwithstanding contributions or deposits made in accordance with applicable law at lower rates; and

(2) no additional liability shall be created with respect to deposits made in accordance with applicable law before the effective date of this Act, or after such effective date pursuant to an installment payment election made under section 376(d) of title 28, United States Code, section 7448(d) of the Internal Revenue Code of 1954, or section 1567(b) of title 11 of the District of Columbia Code before such effective date.

## TITLE IV—AUTHORIZATIONS.

## APPLICATION AND EFFECTIVE DATES.

## FIRST YEAR EXPENSES OF THE FEDERAL RETIREMENT THRIFT INVESTMENT MANAGEMENT SYSTEM.

SEC. 401. (a) Notwithstanding section 8426(c)(3) of title 5, United States Code, as added by section 101 of this Act, the expenses incurred in the administration of the Federal Retirement Thrift Investment Management System prescribed in subchapter VIII of chapter 84 of such title, as added by section 101 of this Act, during fiscal years 1986 and 1987 shall be paid from sums appropriated pursuant to subsection (b).

(b) There are authorized to be appropriated to the Federal Retirement Thrift Investment Board, for fiscal years 1986 and 1987, such sums as may be necessary to pay the expenses incurred in the administration of the Federal Retirement Thrift Investment Management System prescribed in subchapter VIII of chapter 84 of title 5, United States Code, as added by section 101 of this Act, during such fiscal years.

## AUTHORIZATION TO CARRY OUT INFORMATION PROGRAM.

SEC. 402. (a) The Office of Personnel Management shall take appropriate action during fiscal years 1986 and 1987, to make available on or before January 1, 1987, the information described in section 8469 of title 5, United States Code, as added by section 101(a) of this Act.

(b) There are authorized to be appropriated \$1,000,000 to the Office of Personnel Management for fiscal year 1986 to carry out subsection (a). Sums appropriated pursuant to this authorization shall remain available until expended or until October 1, 1987, whichever is earlier.

## APPLICATION.

SEC. 403. Except for the provisions of subchapter VII of chapter 84 of title 5, United States Code (as added by section 101(a) of this Act), and the amendments made by title III of this Act, nothing in this Act shall reduce the accrued entitlements of current and retired Federal employees and their families to future benefits under the Civil Service Retirement and Disability System or any other Federal Government retirement and disability system. The full faith and credit of the United States Government is hereby pledged in support of the payment of such accrued entitlements.

## EFFECTIVE DATES.

SEC. 404. (a) Except as provided in subsections (b) and (c), this Act and the amendments made by this Act shall take effect January 1, 1987.

(b) Subchapter VIII of chapter 84 of title 5, United States Code (relating to the Federal Retirement Thrift Investment Management System), as added by section 101, shall take effect on the date of enactment of this Act.

(c) The amendments made by section 301 shall take effect on the date of enactment of this Act.

(d) The program required by section 8426(c) of title 5, United States Code, as added by section 101(a) of this Act, shall be established not later than January 1, 1988.

Mr. ROTH. Mr. President, the matter that the Governmental Affairs Committee brings before the Senate today is retirement legislation for Federal employees covered by Social Security.

As I think everyone here knows, the Social Security amendments of 1983 provided for Social Security coverage of Federal civilian employees who were hired January 1, 1984, and after.

Congress has the responsibility to write a retirement plan to cover these employees. This is an important point to remember. The plan before us today covers only new employees and does not mandate any changes in the retirement plan applicable to employees on the payroll prior to January 1, 1984. It should be pointed out, however, that employees hired before January 1, 1984, are provided the option to join the new program if it is their wish.

On July 30 of this year, Senator TED STEVENS and I introduced a bill, S. 1527, to establish a new retirement program for Federal workers that supplements Social Security. That bill was the subject of 3 days of public hearings, on September 9, 10, and 11.

I am pleased to say that since these hearings, the leadership on the Republican side of the committee has